

## 12.025 AUTHORIZED WEAPONS

### **Reference:**

18 USC 926B, 926C - Law Enforcement Officers Safety Act of 2004  
 Ohio Revised Code 2901.01K - Law Enforcement Officer  
 Ohio Revised Code 2923.12B - Carrying Concealed Weapons  
 Ohio Revised Code 2923.12.1 - Illegal Possession of Firearm in Liquor Permit Premises  
 Ohio Revised Code 2923.12.2 - Illegal Conveyance or Possession of Deadly Weapon or Dangerous Ordnance in School Safety Zone  
 Ohio Revised Code 2923.12.3 - Illegal Conveyance of Deadly Weapon or Dangerous Ordnance into Courthouse  
 Ohio Revised Code 2923.15 - Using Weapons While Intoxicated  
 Procedure 12.020 - Uniforms, Related Equipment, and Personal Grooming  
 Ohio House Bill 12, Section 9

### **Definitions:**

**Qualified Law Enforcement Officer** – An employee of a governmental agency who –

- is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;
- is authorized by the agency to carry a firearm;
- is not the subject of any disciplinary action by the agency;
- meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
- is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- is not prohibited by Federal law from receiving a firearm.

### **Information:**

The Supply Unit maintains a perpetual record of all Department owned and approved weapons.

The Law Enforcement Officers Safety Act of 2004 permits qualified active and retired law enforcement officers to carry concealed weapons nationwide. The Law Enforcement Officers Safety Act does not supersede or limit the laws of any state permitting persons or entities from prohibiting or restricting the possession of concealed firearms on private property. Individual states still retain the authority to prohibit or restrict the possession of firearms on any state or local governmental property, installation, building, etc. (educational institutions, court houses, etc.).

Nothing in this act permits officers to carry non-authorized firearms.

Ohio House Bill 12, Section 9, prohibits municipalities from placing restrictions on persons with valid concealed carry licenses issued by the State of Ohio. If an officer obtains a concealed carry license from the State, the Police Department cannot restrict the type of handgun carried off-duty by that police officer. However, if the officer is involved in an off-duty incident where they are acting in an official capacity as a police officer, they are subject to administrative action by the Police Department if the handgun used is not one approved by this procedure.

***Policy:***

The Police Department will assign firearms only to sworn employees. With the prior written approval of the City Manager, the Department may assign a firearm to a qualified non-sworn employee.

The Police Department will only dispose of weapons according to law and purchasing regulations.

While on duty, an officer will carry or have under his control only Department issued weapons and ammunition. Personnel will carry the firearm as directed in Procedure 12.020, Uniforms, Related Equipment, and Personal Grooming.

All Department personnel authorized to carry lethal and less-than-lethal weapons will be issued copies of and be instructed in Department use of force policies and procedures before being authorized to carry a weapon. Only personnel demonstrating proficiency in the use of Department authorized weapons are permitted to carry those weapons, both on or off-duty.

Each officer must qualify annually with his Department issued firearm. With the approval of the Police Chief, the Rangemaster will determine qualification standards. An officer who fails annual qualification will be relieved of their police powers prior to leaving the Firearms Training Unit (FTU). Affected personnel will leave their badge, wreath, identification card, issued firearm, and ammunition with FTU personnel.

On-duty officers responding to court and off-duty officers responding to court on cases in which they will be compensated by the Department will carry the issued firearm.

Officers must follow the provisions of this procedure and be in possession of their Department issued identification card to legally carry a concealed firearm under the provisions of the Law Enforcement Officers Safety Act of 2004.

***Procedure:***

A. Authorized Weapons and Ammunition

1. Smith & Wesson 9mm semi-automatic pistols: Military and Police (M&P), 3953, 5946, and 6946.
  - a. Winchester 9mm, 147 grain jacketed hollow point ammunition.

2. Remington 870 shotgun.
  - a. Winchester 2 $\frac{3}{4}$ " 12 gauge, 00 buck ammunition.
  - b. Winchester 2 $\frac{3}{4}$ " 12 gauge slugs.
3. Bushmaster XM15-E2S, .223-5.56mm, Rifle.
  - a. Winchester .223, 55 grain ballistic silvertip ammunition.
4. Any official firearm designated by the Police Chief.
5. Remington 870 shotgun with Defense Technologies drag-stabilized DS23 beanbag rounds.
6. Defense Technologies 40mm foam round launcher and rounds.
7. PepperBall Technologies launcher with .5 OC PepperBall rounds.
8. Monadnock PR-24 and Auto-Lock batons.
9. Chemical irritant:
  - a. Freeze CS.
  - b. Punch II Streamer M-3 OC.
10. Taser International X26 Taser and Taser International cartridges.
11. Authorized SWAT tactical weapons and ammunition as listed in the SWAT Standard Operating Procedure.

B. Issuance of Firearms

1. Generally, the model 5946 has been issued to all officers. The current issued pistols are being phased out and replaced with the Smith and Wesson M&P 9mm pistol. Once an officer has been issued and qualified with the M&P, only the M&P is authorized for on and off-duty carry.
2. The model 6946 may be issued to and carried by:
  - a. Captains and above.
  - b. Officers assigned to staff positions.
  - c. Personnel assigned to a plainclothes or investigative assignment.
  - d. Personnel designated by the Police Chief.

3. The model 3953 may be issued to and carried by:
  - a. Captains and above.
  - b. Personnel designated by the Police Chief.
4. Patrol Rifles
  - a. Each district is assigned and will maintain four Bushmaster XM15-E2S semi-automatic rifles (patrol rifles) in their respective armory. Patrol rifles will be stored in an unlocked nylon case. While stored in the case, rifles will remain unloaded with the bolt forward. Magazines will be stored in the same rifle case but will not be inserted into the magazine well of the weapon.
  - b. Only officers selected by the Police Chief and who have passed the annual patrol rifle qualification course are authorized to carry patrol rifles.
  - c. Authorized officers will obtain a patrol rifle from their district armory at the beginning of their assigned shift.
    - 1) Authorized officers will inspect the rifle daily prior to entering the field to ensure it is unloaded and that the two issued 30 round magazines are present.
    - 2) The daily inspection will be conducted outside of the police facility with the rifle pointed in a safe direction.
  - d. Patrol rifles carried into the field will remain unloaded and stored in the case in the secured area of the vehicle. Patrol rifles will not be carried unsecured in the front of the vehicle during routine patrol duties.
  - e. Upon identifying a situation where the deployment of the patrol rifle can assist, officers will remove the rifle from the secured area, load it, and have it ready at hand.
  - f. Upon termination of their assigned shift, authorized officers will ensure the patrol rifle is removed from the vehicle and returned to the district armory in an unloaded condition.
  - g. SWAT rifles stored in district armories are only to be accessed and carried by SWAT personnel. Authorized officers will only carry rifles assigned to the district as part of the patrol rifle program.

C. Plainclothes Officers

1. Plainclothes officers will carry the firearm so it is secure and consistent with their assignment and dress.

2. Upon change of duty assignment from plainclothes to uniform, the officer must contact the Firearms Training Unit within five (5) days to schedule training for transition back to the model 5946. If issued an M&P pistol, no transition is necessary.

D. Annual Qualification

1. If an officer fails to qualify, the FTU will do the following:
  - a. Relieve the officer of his police powers and equipment.
    - 1) The officer must report to Criminalistics Squad during his next scheduled working day to obtain a temporary ID card.
  - b. Notify the officer's unit of assignment of his duty status and the date for further training and testing.
    - 1) Officers who are required to work prior to the training and testing date must be assigned duties consistent with their duty status.
  - c. Notify Personnel Section of the officer's duty status.
  - d. Store the officer's equipment in the FTU armory pending successful qualification.
  - e. Schedule the officer for additional training and testing.
    - 1) Officers will be scheduled for additional training and testing the following Monday.
  - f. Restore the officer's police powers and return his equipment upon successful qualification.
    - 1) Collect and destroy the temporary identification card.
  - g. Notify the officer's unit of assignment and Personnel Section upon successful qualification.
2. Officers relieved of their police powers must notify the affected detail coordinator if they are scheduled for any outside employment prior to additional training and testing.
3. Officers who fail the annual patrol rifle qualification will immediately be removed from the list of authorized users.
  - a. Reinstatement to the authorized user's list will be at the discretion of the Police Chief. Final approval will not be granted until the officer passes the annual patrol rifle qualification the following year.

#### E. Carrying a Firearm Off-Duty

1. Carrying a firearm off-duty is optional.
2. Ohio Revised Code §2923.15 prohibits carrying firearms while under the influence of alcohol or any drug of abuse.
  - a. Law enforcement officers are not exempt from the prohibition.
3. The following Ohio Revised Code Sections apply to off-duty personnel UNLESS they are acting in the scope of their duties as a police officer.
  - a. ORC Section 2923.12.1 – Illegal Possession of Firearm in Liquor Permit Premises.
  - b. ORC Section 2923.12.2 – Illegal Conveyance or Possession of Deadly Weapon or Dangerous Ordnance or Illegal Possession of Object Indistinguishable from Firearm in School Safety Zone.
  - c. ORC Section 2923.12.3 – Illegal Conveyance of Deadly Weapon or Dangerous Ordnance into Courthouse: Illegal Possession or Control in Courthouse.
4. Off-duty personnel may only carry the Department issued firearm.
5. Off-duty officers, not in uniform, who choose to carry a firearm, will conceal the firearm on their person.
6. Off-duty officers with a valid carry concealed license issued by the State of Ohio may carry a firearm of their choosing.
  - a. If an off-duty officer is involved in an incident where he is acting in an official capacity as a police officer, he is subject to administrative action by the Department if the firearm used is not one approved by this procedure.

#### F. Conditions for Carrying a Personally Owned Firearm

1. The Rangemaster must approve all personally owned firearms.
2. The Police Department must approve, in writing, ammunition used in authorized personal firearms.
3. Authorization must be renewed upon assignment change.
4. The Police Chief will give final written approval to carry an approved personally owned firearm. Unless otherwise specified, only the following firearms will be approved:
  - a. Smith & Wesson, 9mm semi-automatic, traditional double action pistols: Models 439, 459, 469, 539, 559, 639, 659, 669, 3904, 3906, 3913, 3914, 5903, 5904, 5906, 6904, 6906, 908, 909, 910, 915, and CS9.
  - b. Smith & Wesson, 9mm semi-automatic, double action only

pistols: Models 3953, 3953TSW, 3954, 5943, 5944, 5946, 6944, 6946, and CS9.

6. Officers who have previously qualified and been approved to carry one of the above listed personally owned firearms may continue to carry this pistol until they have transitioned to the new Smith and Wesson M&P. Once an officer has attended the M&P transition course and qualified with the M&P, only the M&P pistol may be carried on or off-duty.

G. Removal of Unsafe Weapons

1. Notify a supervisor whenever an issued weapon is found to be unsafe or in need of repair.
2. Issue a replacement weapon until the original is returned or permanently removed from service.
3. Repairs/replacements are provided by the following units or sections:
  - a. Firearms Training Unit: semi-automatic pistol, shotgun, beanbag shotgun, 40mm foam launcher, Monadnock Auto-Lock baton, and all SWAT weapons.
  - b. Tactical Planning Section: PepperBall launcher, Taser.
  - c. Supply Unit: Chemical irritant, PR-24.
  - d. After normal working hours, CIS has semi-automatic pistols and chemical irritant.